

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAUL NAVARRETE,

No. 16-5899 CRB

Plaintiff,

**ORDER GRANTING MOTION TO
REMAND**

v.

RICOH USA, INC. ET AL.,

Defendants.

Plaintiff Raul Navarete was hit by a car, fracturing his spine and sustaining additional injuries. See Notice of Removal (dkt. 1) Ex. 1 (Complaint) ¶ 6. He provided his employer, RICOH, with his medical records, and inquired about accommodations. See id. ¶¶ 7–8. Shortly thereafter, RICOH asserted that Plaintiff had abandoned his job, and terminated him. See id. ¶ 9. Plaintiff brought suit in state court, alleging disability discrimination, failure to provide reasonable accommodation, failure to engage in good faith interactive process, failure to prevent discrimination, and wrongful termination—all state court claims. See generally id. Defendant RICOH removed the case to this Court, asserting diversity jurisdiction. See Notice of Removal ¶¶ 11–12. Plaintiff now moves to remand, arguing that Defendant cannot establish sufficient facts to support the amount in controversy requirement of 28 U.S.C. § 1332. See Mot. to Remand (dkt. 10). The Court finds this matter suitable for resolution without oral argument, pursuant to Civil Local Rule 7-1(b), and vacates the


1 motion hearing currently calendared for December 16, 2016.

2 “[T]he proponent of federal jurisdiction . . . has the burden to prove, by a
3 preponderance of the evidence, that removal is proper.” Geographic Expeditions, Inc. v.
4 Estate of Lhotka ex rel. Lhotka, 599 F.3d 1102, 1106–07 (9th Cir. 2010). The removal
5 statute is “strictly construe[d] . . . against removal jurisdiction.” Gaus v. Miles, Inc., 980
6 F.2d 564, 566 (9th Cir. 1992) (per curiam). “Where doubt regarding the right to removal
7 exists, a case should be remanded to state court.” Matheson v. Progressive Specialty Ins.
8 Co., 319 F.3d 1089, 1090 (9th Cir. 2003). Notwithstanding Defendant’s speculation about
9 extensive attorneys’ fees and punitive damages, Defendant has failed to demonstrate that
10 Plaintiff’s damages, stemming from the loss of his \$14.75 per hour job, see Dixon Decl. (dkt.
11 11-3) ¶ 2, more likely than not exceed \$75,000.

12 Accordingly, the Court GRANTS the motion to remand.¹

13 **IT IS SO ORDERED.**

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15 Dated: December 5, 2016

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

1 The Court declines to enter Defendant’s requested order requiring Plaintiff to stipulate to seeking less than the jurisdictional minimum. See Opp’n (dkt. 11) at 7.